

Rec'd POT/PTO 00 JAN 2006

EAGIP2.002APC

#5
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wong, et al.
Appl. No. : 10/539,924
Filed : June 17, 2005
For : BIOLOGICALLY ACTIVE
PEPTIDE CONJUGATES
Examiner : Unassigned
Group Art Unit : 1646

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 26, 2006

(Date)

Suzanne Jepson

Suzanne G. Jepson, Ph.D., Reg. No. 51,848

PETITION TO ACCORD APPLICATION FILING DATE AS OF THE DATE THE
CORRESPONDENCE WAS DEPOSITED WITH THE USPS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is to accord the above-identified application the "date-in" of June 17, 2005 stamped on the Express Mail Label No. EV 466739844 US. Correction is required because the Filing Date indicated on the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) differs from the date stamped on the Express Mailing Label.

It is respectfully contended that the date of June 18, 2005, accorded this application by the PTO, is incorrect.

Submitted herewith is the statement of Suzanne Jepson, that identifies when the discrepancy was discovered and establishes that the petition is being filed promptly thereafter.

37 C.F.R. §1.10(d)(1).

02/01/2006 ATRAN1 00000111 10539924

02 FC:1464

130.00 OP

Repln. Ref: 04/14/2006 CSK001 0009501300
Jepson, Suzanne
FC: 9234 \$130.00 CR

RECEIVED
28 MAR 2006
Legal Staff
International Division

Appl. No. : 10539,924
Filed : June 17, 2005

The Docket No. for this application has been changed from ELLAHK1.002APC to EAGIP2.002APC to reflect a change in the foreign law firm handling this application. This application is entitled "Biologically Active Peptide Conjugates." Attached is a true copy of the first page of the application and Submission by "Express Mail," which was filed showing that the title of the application is "Biologically Active Peptide Conjugates," the date on which this application was mailed as Express Mail Label No. EV 466739844 US was June 17, 2005, and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. §1.10(d)(2).

Also attached is the logged entry for our Docket No. ELLAHK1.002APC (which, as discussed above, has now been changed to EAGIP2.002APC) on United States Postal Service PS Form 3877 which indicates that the Postmark and Date of Receipt at the San Diego, California Midway MOW, was June 17, 2005.

Also attached is a true copy of the "Express Mail" mailing label showing the "date-in" stamp of June 17, 2005. 37 C.F.R. §1.10(d)(3). Although an employee of the United States Postal Service hand wrote the "date in" as June 18, 2005, all other documentation provided herewith indicates that the correct "date in" is June 17, 2005.

Also attached is a true copy of the postcard which was returned by the PTO and stamped "JC02 Rec'd PCT/PTO 18 JUN 2005."

In view of the foregoing, Applicant respectfully requests that this application be accorded a filing date of June 17, 2005.

This Petition is accompanied by the fee set forth in 37 C.F.R. §1.17(h).

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 26, 2006

By: Suzanne G. Jepson
Suzanne G. Jepson, Ph.D. 120.00 DA
Registration No. 51,848
Agent of Record
Customer No. 20,995
(619) 235-8550

Rec'd POST 30 JAN 2006

EAGIP2.002APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wong, et al.
Appl. No. : 10/539,924
Filed : June 17, 2005
For : BIOLOGICALLY ACTIVE
PEPTIDE CONJUGATES
Examiner : Unassigned
Group Art Unit : 1646

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January 26, 2006

(Date)

Suzanne Jepson
Suzanne G. Jepson, Ph.D., Reg. No. 51,848

STATEMENT IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.10(d)(1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present statement is provided to establish that the accompanying Petition to Accord Application Filing Date Shown on Express Mail Label "Date-In" is being submitted promptly after the discovery of a discrepancy between the "date in" stamped by the U.S. Postal Service and the filing date awarded by the USPTO.

The discrepancy was initially noted when my co-worker observed that the filing date listed on the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) which we received November 1, 2005, did not correspond to the "date-in" stamped on the Express Mail label. The present statement is being submitted shortly after my co-worker informed me of this discrepancy.

Accordingly, the present statement complies with the requirements of 37 C.F.R. §1.10(d)(1).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 26, 2006

By: *Suzanne Jepson*
Suzanne G. Jepson, Ph.D.
Registration No. 51,848
Agent of Record
Customer No. 20,995
(619) 235-8550

BIOLOGICALLY ACTIVE PEPTIDE CONJUGATES

FIELD OF INVENTION

5 The present invention is related to the field of immunology. In particular, the present invention is directed to peptides and their pharmaceutical compositions which are capable of modulating immune responses.

BACKGROUND OF INVENTION

10 Spleen extracts from mammals have been used successfully for years as medical immune modulators. However, the molecular composition of such extracts is unknown and therefore the exact pharmacological actions of these extracts cannot be identified. The dosage response function also cannot be accurately titrated because of the intrinsic heterogeneous nature of these extracts. Because of such heterogeneity, active ingredients in spleen extracts cannot be singled out and their pharmacological actions cannot be fully
15 utilized. And, no matter how careful the extraction process can be, there is always the possibility of transmission of diseases of animal origin to human if animal tissue is used as the raw material for extraction.

US Patent No. 3,992,364 to Kuhlmeier describes a physiologically active polypeptide produced from an animal spleen extract. The exact sequence of the peptide was not
20 disclosed and the preparation was described as being useful for decreasing cholesterol levels and increasing the 17 keto-steroid elimination of human patients.

SUMMARY OF INVENTION

It is an object of the present invention to identify biologically active polypeptides.

A study was conducted in which a number of peptides have been identified from a
25 porcine spleen extract according to the method described in US 3,992,364. The peptides in the extract were separated by preparative HPLC followed by analysis using electrospray ionisation mass spectroscopy (ESMS) and matrix assisted laser desorption ionisation mass spectroscopy (MALDI-MS) at the W. M. Keck Foundation Biotechnology Resource Laboratory at Yale University. Once the identity of the peptides was found, they were
30 individually synthesized by standard chemical methods. Using known animal and in vitro methods, the immunological function of these peptides was analyzed. The in vivo study of the effect of the peptides on immunity was performed using methods described in the following references. The peptides are given codes having the letters CMS followed by a number. The peptide sequence and the corresponding ID numbers are shown in Table A. A
35 total of 30 peptides have been identified as having in vivo biological activities. The effect of the peptides on kidney function, liver function, cancer and body weight was also analyzed.

Table A

Sequence Listing	Peptide	Peptide Sequence
------------------	---------	------------------

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Suzanne G. Jepson, Ph.D.
Patent Scientist

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION BY "EXPRESS MAIL"

EV466739844US


Attorney Docket No. : ELLAHK1.002APC
Applicants : Waiming Wong and Gang Lin
For : BIOLOGICALLY ACTIVE PEPTIDE
CONJUGATES
Agent : Suzanne G. Jepson, Ph.D.
"Express Mail" Label No. : EV466739844 US
Date of Deposit : June 17, 2005

The following documents are hereby placed into an Express Mail envelope bearing the number indicated above, which envelope is being deposited today with the U.S. Postal Service as Express Mail:

Transmittal letter; Preliminary Amendment in 4 pages; Abstract in 1 page; International PCT publication; International Search Report; 3 sheets of Replacement Drawings; marked up version of 3 Replacement Drawings; Sequence Listing in 6 pages; Sequence Listing in computer readable format; Information Disclosure Statement, PTO Form PTO/SB/08 Equivalent listing 2 references, 1 enclosed; Check for Filing Fee; Return Prepaid Postcard.

The envelope, with the enclosures listed above, is addressed the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

This submission is being made in compliance with 37 CFR 1.10.


Name: Jessica Conner
Docketing Agent

1769763:dmb - 061505

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5580

Response to Missing Requirements Under 35 USC § 371	Attorney Docket No.: EAGIP2.002APC First Named Inventor: Wong, et al. Int'l Application No.: PCT/CN2003/001054 US Application No.: 10/539,924 Entered National Phase: June 17, 2005 Title: BIOLOGICALLY ACTIVE PEPTIDE CONJUGATES
	Direct all correspondence to Customer No.: 20995 <div style="text-align: right;"> Date: January 26, 2006 Page 1 of 2 </div>

Mail Stop PCT

United States Patent and Trademark Office
 PO Box 1450
 Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

January 26, 2006

(Date)

Suzanne G. Jepson

Suzanne G. Jepson, Reg. No. 51,848

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated October 27, 2005.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 2 pages.
- (X) Declaration of Kong Lam.
- (X) Petition to Accord Application Filing Date as of the Date the Correspondence was Deposited with the USPS.
- (X) Statement in Support of Petition under 37 C.F.R. § 1.10(d)(1).
- (X) Copy of first page of Application.
- (X) Copy of Submission by "Express Mail."
- (X) Copy of PS Form 3877 dated June 17, 2005.
- (X) Copy of Express Mail mailing label.
- (X) Copy of returned stamped postcard.
- (X) Return prepaid postcard.

2006 JAN 30
 2:00 PM

Declaration



I, Lam Kong (林剛), am the holder of Hong Kong Permanent Identity Card No. P664948(7) and have a place of residence at 9D, Building 19, Baiyi Yuan, Baishida Garden, 28th Taining Road, Shenzhen 518020, People's Republic of China.

I was formerly known only by the Mandarin version of my Chinese name of "Lin Gang (林剛)". Pursuant to the issuance of my Hong Kong Permanent Identity Card in Hong Kong on 25 February 2004, I am now also known as "Lam Kong (林剛)", this being the Cantonese transliteration of the aforesaid Chinese name.

I declare that the Chinese characters "林剛" and "林刚" are merely different representations of the same words and the names "Lam Kong" and "Lin Gang" are merely different English transliterations of these Chinese characters.

In witness whereof, I have set my hand and seal this 20th day of October 2004

Signed, sealed and delivered)
by the abovenamed Lam Kong (林剛))
in the presence of :-


.....
ELLA S.K. CHEONG
Notary Public
Hong Kong SAR


**Response to Missing
Requirements Under
35 USC § 371**

Attorney Docket No.: EAGIP2.002APC
First Named Inventor: Wong, et al.
Int'l Application No.: PCT/CN2003/001054
US Application No.: 10/539,924
Entered National Phase: June 17, 2005
Title: BIOLOGICALLY ACTIVE PEPTIDE CONJUGATES

Direct all correspondence to Customer No.: 20995

Date: January 26, 2006

Page 2 of 2

FILING FEES NOT YET PAID:

FEE CALCULATION				
FEE TYPE		LARGE FEE	CALCULATION	TOTAL
Late Oath/Decl.	37 CFR § 1.492(h)	1617 (\$130)		\$130
Excess Claims	18 - 20 = 0	1615 (\$ 50)	0 x 50 =	\$ 0
Excess Ind. Claims	3 - 3 = 0	1614 (\$200)	0 x 200 =	\$ 0
Petition	37 CFR § 1.492(i)	1618 (\$130)		\$130
			TOTAL FEE DUE	\$260

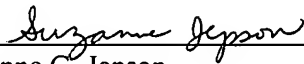
(X) A check in the amount of **\$260** is enclosed to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.

02/01/2006 ATRAM1 00000111 10539924

01 FC:1617

130.00 0P


Suzanne G. Jepson
Registration No. 51,848
Agent of Record
Customer No. 20,995
(619) 235-8550

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011806



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/539,924

FIRST NAMED APPLICANT

Waiming Wong

ATTY. DOCKET NO.

ELLAHK1.002APC

INTERNATIONAL APPLICATION NO.

PCT/CN03/01054

I.A. FILING DATE

12/10/2003

PRIORITY DATE

12/18/2002

20995

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

CONFIRMATION NO. 7532

371 FORMALITIES LETTER



OC000000017330741

Date Mailed: 10/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/18/2005
- Copy of the International Search Report filed on 06/18/2005
- Preliminary Amendments filed on 06/18/2005
- Information Disclosure Statements filed on 06/18/2005
- Biochemical Sequence Diskette filed on 06/18/2005
- Biochemical Sequence Listing filed on 06/18/2005
- U.S. Basic National Fees filed on 06/18/2005
- Priority Documents filed on 06/18/2005
- Specification filed on 06/18/2005
- Claims filed on 06/18/2005
- Abstracts filed on 06/18/2005
- Drawings filed on 06/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

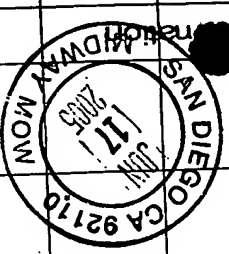
VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,924	PCT/CN03/01054	ELLAHK1.002APC

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7. <u>ENDOC. 011APC</u>		<u>Commissioner for Patents</u> <u>PO Box 1450</u> <u>Alexandria, VA 22313-1450</u>		<u>17.85</u>							
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U.S. NATIONAL PHASE UTILITY/DESIGN PATENT
(application)

Date: 6/17/05

Rec'd in the USPTO on the 18 JUN 2005

Express Mail # EL46678844 US

Docket # ELLANK1002 APC

Applicant Wong et al

Title Biologically Active Peptide Conjugates

Correct to PCT App No. WO/2003/001051

Filed 12/10/03

VERIFIED BY: Assl DMS

Any SGT

QC CM

☒ Int'l Application in 2 sheets of drawings (Replacement) and 18 Claims AS FILED

☒ Certificate of Express Mail

☒ Transmittal Letter

☒ Preliminary Amendment in 4 pgs

☒ Decl and Power of Atty

☒ Decl by Inventor(s)

☒ Filed Signed Unsigned

☒ Form PCT/IB 308

☒ Published International Application

☒ Return Prepaid Postcard

☒ 3 sheets of marked up replacement drawings

☒ International Search Report

☒ Information Disclosure Statement with PTO 1449 w/ 2 Refs

☒ Recordation Form Cover Sheet

☒ Assignment in 2 pgs

☒ POA by Assignee, copy of Assignment

☒ \$ 900 Check for Assignment

☒ \$ 900 Check for Filing Fee

☒ Abstract in 1 page

☒ Sequence listing in 6 pages (1/20/01)

☒ Sequence listing in computer readable form

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